(15)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 7177 of 2007

PETITIONER : Bhanu Pratap Maharana, S/o Late Shri Narsingh Prasad Maharana, Aged about 39 years, Assistant Teacher, Govt. Girls Primary School Amoda, Block Nawagarh, Distt. Janjgir Champa (CG).

VERSUS

RESPONDENTS :
1. State of Chhattisgarh & Others Through The Secretary, Education Department DKS Bhawan, Raipur (CG)
2. District Education Officer, Distt. Janjgir Champa (CG).
3. Block Education Officer, Block Nawagarh, Distt. Janjgir Champa (CG)

(WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

(SB: Hon'ble Mr. Satish K. Agnihotri, J.)

Present : Shri Anil Singh Rajput, Advocate for the petitioner.
Shri A.S. Kachhwaha, Government Advocate for the State.

ORAL ORDER
(Passed on this 04th of December, 2007)

1. The petitioner is working as Assistant Teacher in Govt. Girls Primary School Amoda, Block Nawagarh, Distt. Janjgir Champa (CG). In the course of his services as Assistant Teacher, the petitioner has obtained B.Ed Examination certificate on his own expenses in the year 1996.
2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teacher, who obtained B.Ed Examination Certificate on his own expenses, is entitled to two advance increments.
3. According to learned counsel appearing for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bhardwaj Vs. Municipal Corporation, Durg and another {2006(II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bhardwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B.Ed/B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

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4. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case squarely covered by decision of this Court in the case of Yashwant Kumar Bhardwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondent/State fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of Yashwant Kumar Bhardwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioner has acquired B.Ed Examination Certificate on his own expenses as per circulars dated 24.12.1998 & 01.03.1999 and further whether he has been paid two advance increments or not. No order asto costs.

Sd/-
Satish K. Agnihotri

Sahu